

Missed deadline favors MultiCare settlement liens

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A woman who sued the MultiCare Health System and one of its contractors over their use of medical liens lost a round in court Friday when a Pierce County judge declined to declare that the lien against her was invalid.

Superior Court Judge Stephanie Arend stopped short of saying the lien against Christina Miesmer was valid but ruled instead that the question was moot because a legal deadline had passed.

Miesmer contends the regional health care giant and collections agency Hunter Donaldson filed an invalid lien against money she won in a settlement after she was hurt in a car wreck.

Miesmer alleges the lien is illegal because the Hunter Donaldson employee who notarized it used false and inaccurate information when filling out a state application to become a notary.

Her attorney, Darrell Cochran, asked Arend to declare the lien invalid, which would have been a boost to Miesmer's contention that the defendants had conspired to harm her. Also at stake were several thousands of dollars in settlement money that's been tied up while the lien question was being litigated.

State law allows some doctors, hospitals and other health care providers to place liens on the money accident victims win from those responsible for their injuries to ensure at least part of their medical bills are paid. The law states that health care providers have one year after a lien is recorded to act upon it.

MultiCare points out that people such as Miesmer owe medical bills, regardless of the validity of the liens. Cochran argues that MultiCare uses the liens to "maximize profits" by going after settlement money instead of billing victims' insurance.

On Friday, Arend sided with MultiCare attorney Michael Madden, who argued Miesmer's request was moot because a legal deadline had passed for MultiCare to enforce the lien.

"We can't enforce the lien, end of story," Madden argued. "We have no claim on the money at this point."

Cochran argued otherwise, saying MultiCare had stalled until the lien expired; but Arend sided with Madden.

“The statute is very clear: It has to be enforced within a year,” the judge said. “Tactically, a mistake, inadvertence, intentional, I don’t think it really matters.”

The judge ordered that the money being held be released to Miesmer.

Madden and Hunter Donaldson attorney Cori Gordon Moore declined to comment after Arend’s ruling.

Cochran said Arend’s decision was just a step in the process for Miesmer and that he would continue to press the lawsuit, which seeks damages for alleged violations of the Consumer Protection Act and other claims.

“We’re not giving up on this one,” he said.

Read more here: <http://www.thenewstribune.com/2013/12/13/2947508/missed-deadline-favors-multicare.html#storylink=cpy>